

2013 Montana LegislatureAdditional Bill Links PDF (with line numbers)

SENATE BILL NO. 356

INTRODUCED BY E. ARNTZEN

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT A PARENT, GUARDIAN, OR OTHER PERSON RESPONSIBLE FOR THE CARE OF A CHILD HAS A RIGHT TO APPEAL THE TRUSTEES' CERTAIN SCHOOL ASSIGNMENT DECISION DECISIONS ARE SUBJECT TO THE DISTRICT'S GRIEVANCE POLICY; PROVIDING FOR AN APPEAL PROCESS; AMENDING SECTION 20-5-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-5-101, MCA, is amended to read:

- "20-5-101. Admittance of child to school.** (1) The trustees shall assign and admit a child to a school in the district when the child is:
- (a) 6 years of age or older on or before September 10 of the year in which the child is to enroll but is not yet 19 years of age;
 - (b) a resident of the district; and
 - (c) otherwise qualified under the provisions of this title to be admitted to the school.
- (2) The trustees of a district may assign and admit any nonresident child to a school in the district under the tuition provisions of this title.
- (3) The trustees may at their discretion assign and admit a child to a school in the district who is under 6 years of age or an adult who is 19 years of age or older if there are exceptional circumstances that merit waiving the age provision of this section. The trustees may also admit an individual who has graduated from high school but is not yet 19 years of age even though no special circumstances exist for waiver of the age provision of this section.
- (4) The trustees shall assign and admit a child who is homeless, as defined in the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), to a school in the district regardless of residence. The trustees may not require an out-of-district attendance agreement or tuition for a homeless child.
- (5) Except for the provisions of subsection (4), tuition for a nonresident child must be paid in accordance with the tuition provisions of this title.
- (6) A parent, guardian, or other person responsible for the care of a

child must be given the opportunity to appeal the trustees' assignment of the A child MEETING THE QUALIFICATIONS OF SUBSECTION (1) to a school in the district OUTSIDE OF THE ADOPTED SCHOOL BOUNDARIES APPLICABLE FOR SUCH CHILD IS SUBJECT TO THE DISTRICT'S GRIEVANCE POLICY. Upon the THE trustees' decision regarding THE ASSIGNMENT UPON COMPLETION OF PROCEDURES SET FORTH IN SUCH POLICY IS FINAL the initial appeal, the parent, guardian, or other person responsible for the care of the child must be given the opportunity to appeal the trustees' decision to the county superintendent and, subsequently, to the superintendent of public instruction under the provisions for the appeal of controversies in this title."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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